

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 8, 1971

Appeal No. 11011 Ulysses G. and Lula Auger, appellants

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of June 7, 1972.

EFFECTIVE DATE OF ORDER -- July 12, 1972

ORDERED:

That the appeal for permission to change a nonconforming use from antique shop to speciality grocery store and delicatessen at 1245 20th Street, N.W., lot 809, Square 116 be granted.

FINDINGS OF FACT:

1. The subject property is located in an SP District.
2. The property is improved with an antique shop.
3. Appellant requests permission to change a non-conforming use from antique shop to specialty grocery store.
4. Appellant alleges that his establishment of a specialty store in the City reverses the trend of other businesses of this type which have been moving to the suburbs.
5. Appellant states that this neighborhood is such that his operation is a perfect use of the property in question.
6. Appellant also states that ample parking for neighborhood shoppers is available in parking lots and garages in the same block.
7. At the public hearing, appellant amended his application to include the word delicatessen.

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8. Opposition was registered by letter and appearance at the public hearing by the DuPont Circle Citizens Association of Washington, D. C.

OPINION:

We are of the opinion that this use will not have an adverse affect upon the present character and future development of the neighborhood and will not substantially impair the purpose, intent, and integrity of the Zoning Regulations and Maps.

This Order shall be subject to the following condition:

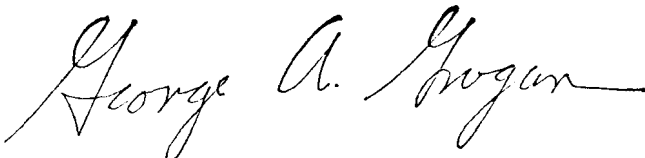
No neon or gas tube displays shall be located on the outside of the building nor shall any such displays, if placed inside the building, be visible from the outside.

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine, the Board is disposed to entertain a motion to re-open this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N.W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:   
GEORGE A. GROGAN  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.